

REMARKS/ARGUMENTS:

The above-identified patent application has been amended and Applicants respectfully request the Examiner to reconsider and again examine the claims as amended.

Pending claims 1-20 are rejected.

The Examiner makes a double patenting rejection of claim 15 under 35 U.S.C. §101 in view of U.S. Patent No. 6,704,886. Claim 15 is amended to incorporate the subject matter of claim 16, which is herein canceled without prejudice. Applicant believes that this amendment overcomes the double patenting rejection under §101.

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting in view of claim 8 of U.S. Patent no. 6,721,766. Applicant encloses herewith a terminal disclaimer for the '766 patent. Accordingly, Applicant believes that the obviousness-type double patenting rejection of claim 1 should be withdrawn. Applicant further believes that the rejection of claims 2-11 should also be withdrawn.

Claims 12-14 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,684,229 to Luong. Claim 12 is amended to require "executing the restoration of the marked objects under control of the restore engine process independently of the browsing, marking and submitting of the restorable object *such that multiple restore submissions can be made prior to restore execution.*" Applicant submits that Luong does not teach that *multiple restore submissions can be made prior to restore execution.*

In view of the above, Applicant submits that claim 12 is patentably distinguishable over Luong. For substantially the same reasons, Applicant submits that claims 13 and 14 are also distinguishable over Luong.

Accordingly, Applicant submits that claims 1-15 and 17-20 are condition for allowance and respectfully requests a notice of allowance for these claims.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

Applicant does not acquiesce to any assertion made by the Examiner that is not addressed here. In addition, makes certain amendments to expedite allowance of the application and reserves the right to pursue the originally filed claims in continuation applications without prejudice.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

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Respectfully submitted,

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